

AN ORDINANCE for the purpose of
vacating a part of a platted lot and
any restrictive covenants for part to be vacated.

WHEREAS, a petition to vacate a part of a platted lot and
any restrictive covenants for part to be vacated within the
City of Fort Wayne (as more specifically described below) was
duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in I.C. 36-7-4-
12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
part of a platted lot and any restrictive covenants for part
to be vacated within the City of Fort Wayne, more specifically
described as follows, to-wit:

The East 50 feet of the West 63 feet of Lot No. 22 in
Lakehurst Addition, Sec. "A", and any restrictive
covenants for part to be vacated.

and which vacating allows the part of a platted lot to be
used for access to Fieldstone Place Subdivision.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

1 J. TIMOTHY MCCAULAY, CITY ATTORNEY

2
3 ** Public hearing to be held on _____,
4 the _____ day of _____, 1993,
5 in the Council Chambers.

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7 Sandra E. Kennedy, City Clerk

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AN ORDINANCE for the purpose of
vacating a part of a platted lot and easement.

WHEREAS, a petition to vacate a part of a platted lot and
easement within the City of Fort Wayne (as more specifically
described below) was duly filed with the City Planning
Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in I.C. 36-7-4-
12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

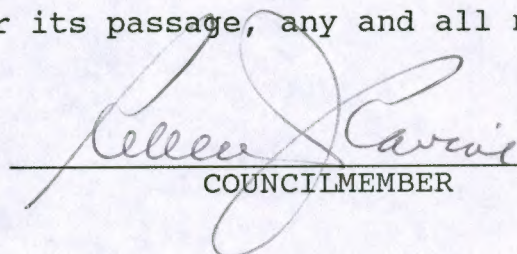
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
part of a platted lot and easement within the City of Fort
Wayne, more specifically described as follows, to-wit:

The East 50 feet of the West 63 feet of Lot No. 22 in
Lakehurst Addition, Sec. "A", and the utility easement
along the northerly 7 feet of said part of lot to be
vacated and any restrictive covenants for part to be
vacated.

and which vacating allows the part of a platted lot and
easement to revert to the ownership of the adjacent property
owners.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.


COUNCILMEMBER

#538

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on _____,
the _____ day of _____, 1993,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

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Read the first time in full and on motion by Ravine,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, the _____ day of
_____, 19_____, at _____ o'clock
_____, M., E.S.T.

DATED: 5-11-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,
and duly adopted, placed on its passage. PASSED ~~LOST~~
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 7-27-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as ~~(ANNEALATION)~~ (APPROPRIATION) (GENERAL)
~~(SPECIAL)~~ (ZONING) ORDINANCE ~~RESOLUTION~~ NO. B-26-93
on the 27th day of July, 1993

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark C. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 28th day of July, 1993,
at the hour of 11:30 o'clock A., M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of July,
1993, at the hour of 10:30 o'clock 9 M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

#538
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Lot & Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE The east 50 feet of the west 63' of Lot 22
in Lakehurst Addition Section "A", and the utility easement along
the northerly 7 feet of said part of lot to be vacated.

92-93-05-14

EFFECT OF PASSAGE The portion of the lot & easement to be
vacated would be used for access to Fieldstone Place Subdivision.

EFFECT OF NON-PASSAGE Property will remain a dedicated lot
and utility easement and not be useable as an entrance access
to the subdivision.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

FACT SHEET

G-93-05-14

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE

Lot Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS**Specific Location and/or Address**Part of Lot 22 in Lakehurst Addition
Sec "A"**Reason for Project**

Access to a new subdivision.

Discussion (Including relationship to other Council actions)17 May 1993 - Public Hearing

(See Attached Minutes of Meeting)

24 May 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, five (5) voted in favor of the motion, one (1) abstained and one (1) did not vote.

Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Cedar Creek Development Inc
City Department

Other

Opponents**Groups or Individuals**David Lybarger, 9732 Moeller
Ed Biggs, 5108 Vermont Ln**Basis of Opposition**-this cut would generate a
tremendous amount of traffic
into the existing Lakehurst
Subdivision**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 15 April 1993

Projected Completion or Occupancy Date 22 June 1993

Fact Sheet Prepared by Date 22 June 1993

Patricia Biancaniello

Reviewed by Date 6/20/93

Reference or Case Number

a. Bill No. G-93-05-14 - Vacation Petition #538
Part of Lot 22 in Lakehurst Addition

Tim Ochs, attorney, for the petitioners appeared before the Commission. Mr. Ochs stated that they are requesting the vacation of a 7 foot easement as well as the vacation of Lot 22. He stated that they have been advised that there is a sanitary sewer in the easement and some overhead utilities. He stated that they are withdrawing the request for the vacation of the 7 foot easement. He stated all they are asking to vacate is the Lot. He stated that they are asking for the vacation because the owners of the Lot are developing Fieldstone Subdivision. He stated that it is going to be a two-family subdivision lying just to the north of this lot. He stated that the only access to the subdivision will be over Lot 22, and when the plat is recorded it will become Fieldstone Way. He stated that it appears from the examination of the covenants of Lakehurst Subdivision that the covenants expired by its own terms, however, the title company will not insure access to Fieldstone Place unless they vacate the plat. He stated that the Plan Commission has approved the primary development plan for Fieldstone Place and the staff comments are favorable.

Mel Smith questioned the length of the street.

Mr. Ochs stated that it would be 30 to 40 feet long.

Mel Smith questioned if the street would be developed to city standards.

Mr. Ochs stated that it would be.

Ernest Evans stated that his impression was that they were only vacating a portion of the lot and asked what would be done with the remainder of the lot.

Wayne O'Brien, Planner II, stated that there is evidence that parts of Lot 22 had been sold off to the owners of Lot 21 and Lot 23. He stated that the only portion of Lot 22 that currently exists is this 50 foot strip.

David Lybarger, 9732 Moeller Road, New Haven, IN, appeared before the Commission in opposition to the vacation. Mr. Lybarger stated that he was a property owner in the area; 5018, 5020, 5206, 5208, 5212 and 5214 Vermont Lane. Mr. Lybarger stated that due to the amount of the permanent cars that would be generated by the Fieldstone area, approximately 3 per duplex, that is about 87 cars. He stated that it would figure out to about 580 trips per day in and out of the area. He stated that he felt there was a need for more direct access in and out of Fieldstone. He stated that either from Lake Avenue or Reed Road. He stated that the present proposal to go from Lake Avenue to Lakehurst Drive to Vermont Lane then turn into Lot 22 is a lot of messing around to get into the new subdivision. He stated that he would like to propose to the Commission that they look into two other more direct routes. He stated that off of Reed Road there is a street called Madeira Drive

that runs east almost to Fieldstone Addition. He stated that this street could be extended, and a bridge built across Pierson Ditch. He stated that the other proposal is that there is a certain amount of property owned by Plumwood Apartments in the southwest portion. He stated that it could be used to run a street directly out onto Lakehurst Drive.

Emory Jeffers, 5223 Vermont Lane, appeared before the Commission. Mr. Jeffers stated that he was adding his support to Mr. Lybarger's proposals for alternate access to Fieldstone.

Charles Layton questioned Mr. Lybarger if he had any idea how much it would cost to build a bridge across Pierson Ditch.

Mr. Lybarger stated he did not.

Ed Biggs, 5108 Vermont Lane appeared before the Commission. Mr. Biggs stated that he was opposed to the vacating of Lot 22 in order to put in an entrance to Fieldstone Subdivision. He stated that he felt that the corner of Lakehurst and Lake Avenue was a traffic hazard presently. He stated that when Fieldstone was originally proposed it was for single family dwellings. He stated with an addition consisting of 58 duplexes the traffic would be tremendous. He stated he would appreciate the Commission looking into other access alternatives for Fieldstone.

Charles Layton questioned what the correct length of Lot 22 really was.

Tim Ochs, stated that the distance is the depth of Lot 22 which would be 150 feet. Mr. Ochs stated in rebuttal that the plat of Fieldstone was approved by the Plan Commission previously, the only reason that they were requesting the vacation is to obtain title insurance from the title company.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

RECEIPT

No 14863

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN. 4-15 1993

RECEIVED FROM James Mack Brown \$ 150.00
 THE SUM OF one hundred and fifty and 00/100 DOLLARS.
 ON ACCOUNT OF Ref #127 Oak Grove Station
vacation

\$380

1049

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

Date Filed: April 15, 1993

Vacation Petition

I/We CEDAR CREEK DEVELOPMENT, INC.
(Applicant's Name or Names)

PETITION TO VACATE a part of a platted lot and any restrictive covenants
(Street, Alley, Utility Easement, Plat,
for it
Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), ~~do~~ (does) hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following part of a platted lot ~~and any restrictive covenants~~ ^{and easement} with the City of Fort
Wayne, Indiana, and hereby described as follows:

The East 50 feet of the West 63 feet of Lot No. 22 in Lakehurst Addition,
Sec. "A", and the utility easement along the northerly 7 feet of said part of
lot to be vacated. *As per 2014 by p. 1120*

(Legal Description of property being vacated) If additional
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as
follows:

(List reasons for requesting vacation.)

~~The portion of the lot~~ ^{and easement} to be vacated would be used for access to Fieldstone
Place, the primary plat of which has been given conditional approval by the
City Plan Commission. See attached Exhibit "A" for additional explanation.

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority
granted in Indiana Code, and provisions of local ordinance, in
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described
part of a lot and easement be vacated according to the provisions
of the Indiana Law pertaining thereto.

DATED THIS 2nd DAY OF April 1993

CEDAR CREEK DEVELOPMENT, INC.
~~Adjacent~~ Property Owner
Typed Name
4911 Industrial Road
Fort Wayne, IN 46825
Address Zip

By: William James
Signature William James,
Vice President

Adjacent Property Owner
Typed Name

Address Zip

Signature

Legal Description of Property:

Additional Reasons for Vacation Request:

Owners of Adjacent Property: See attached list for names and addresses of each owner of land in plat.

_____	_____	_____
_____	_____	_____
_____	_____	_____

Adjacent Owners TYPED Name	Property Name	Address/Zip	Signature
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NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

James A. Federoff
Name

200 E. Main Street, 800 Standard Federal Plaza
Street Address

Fort Wayne, IN 46801
City/State/Zip

(219) 422-0800
Phone

ADDENDUM TO VACATION PETITION

1. Cedar Creek Development, Inc. ("Owner") is the developer of a two-family residential subdivision known as Fieldstone Place ("Subdivision"). The primary plat for the Subdivision has been conditionally approved by the Fort Wayne City Plan Commission.

2. Access to the Subdivision from a public street known as Vermont Lane is proposed over a part of Lot No. 22 in Lakehurst Addition, Sec. "A" which, when the plat of the Subdivision is recorded, will be a dedicated street known as Fieldstone Drive ("Subdivision Entrance"). There is no other access to the Subdivision other than over the Subdivision Entrance.

3. Owner proposes to vacate the part of Lot No. 22 in Lakehurst, Section "A", and the utility easement on said lot part described on the application, so that the vacated real estate can be used for the Subdivision Entrance.

4. Owner also proposes to vacate the recorded restrictive covenants for Lakehurst Addition, Sec. "A" ("Covenants") only as they may apply to the part of Lot No. 22 proposed to be vacated. A copy of the Covenants are attached to this petition as Exhibit "B". It appears from an examination of the Covenants that they have terminated by expiration of time.

5. The part of the platted lot is proposed to be vacated pursuant to IC 36-7-3-11, and the utility easement is proposed to be vacated pursuant to IC 36-7-3-16(a).

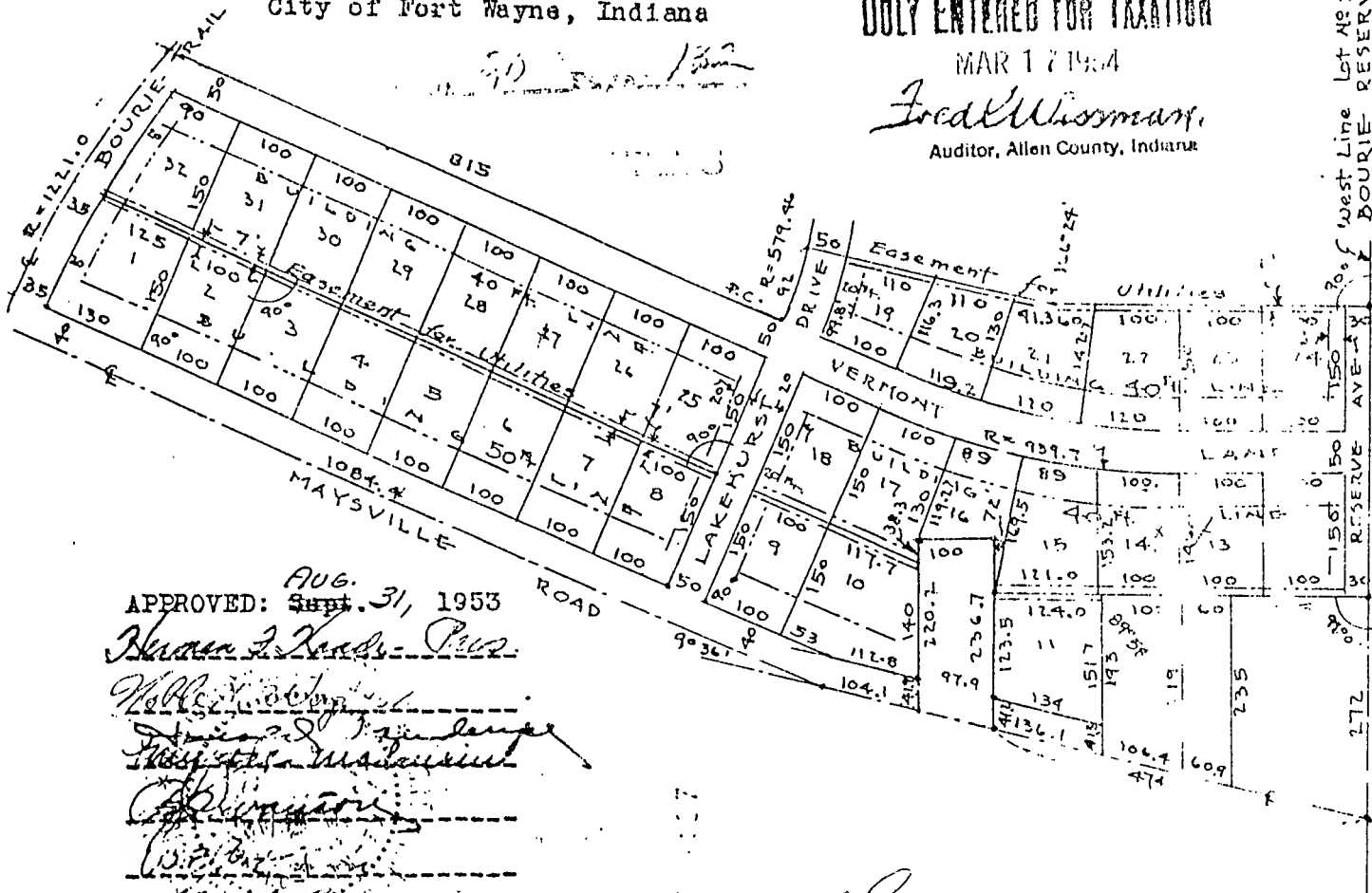
PLAT of
LAKEHURST ADDITION, Section "A"
City of Fort Wayne, Indiana

DOLY ENTERED FOR TAXATION

MAR 17 1954

Fred W. Wisman

Auditor, Allen County, Indiana



APPROVED: AUG. 31, 1953

Urban J. Keady - Pres

Walter J. Schrock

James S. Schrock

Walter J. Schrock

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APPROVED: Sept. 1, 1953

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Walter J. Schrock

CERTIFICATE of SURVEY:

I, the undersigned A. K. Hofer, Civil Engineer, registered No. 72 in Indiana, hereby certify that the foregoing plat of LAKEHURST ADDITION, Section "A", presents accurately the form and dimensions of all lots, streets, and easements, and that the said plat lies wholly within the land described hereinafter.

A. K. Hofer

I, the undersigned, Jacob Schrock, hereby declare that I am the owner of, and do hereby cause to be platted into lots, streets, and easements, in accordance with the plat above shown, the following described tract of land, to wit:

Part of Bouries Reserve in Townships 30, and 31 North, in range 13 East, in Allen County, Indiana, in particular described as commencing on the center line of the public highway known as the Maysville Road, at a point situated 375.0 feet southeasterly of the southeast corner of Section 32, in Township 31 North, Range 13 East, in said county; thence running northeasterly by a deflection left of 90 degrees, a distance of 40 feet; thence northeasterly on the arc of a circular curve right having a radius of 1221 feet, a distance of 353.7 feet; thence southeasterly on a line parallel to the center line of the said road, a distance of 815.0 feet; thence northeasterly by a deflection left,

of ninety-seven (97) degrees 10 minutes, along the chord of a circular curve, having a radius of 579.45 feet, a distance of 92.0 feet; thence southeasterly by a deflection right of 88 degrees, 08 minutes, a distance of 311.30 feet; thence by a deflection left of 13 degrees 36 minutes, a distance of 390 feet to the west line of Lot No. 3 in said Bourie Reserve at a point situated 622.0 feet north of the point of intersection of the line aforesaid by the center line of said Maysville Road; thence south along the west line of said Lot No. 3 of Bourie Reserve, a distance of 350.0 feet; thence west by a deflection right of 91 degrees, a distance of 327.0 feet; thence south by a deflection left of 90 degrees, 02 minutes, a distance of 193.0 feet to the center line of said Maysville Road; thence northwesterly along the aforesaid road center line, a distance of 136.1 feet, more or less, to a point situated 474.0 feet northwesterly of the point of intersection of said road center line by the west line of said Lot No. 3 Bourie Reserve; thence north by a deflection right of 80 degrees 58 minutes, a distance of 236.7 feet; thence west by a deflection left of 90 degrees, 54 minutes, a distance of 100.0 feet; thence south by a deflection left of 90 degrees, a distance of 220.2 feet to the center line of said Maysville Road; thence northwesterly along the said road center line, a distance of 110.5 feet, more or less, to a point of deflection; thence continuing northwesterly along the said road center line, by a deflection right of 9 degrees 36 minutes, a distance of 1084.4 feet, more or less, to the point of beginning, containing 15.10 acres of land;

to be known as

LAKEHURST ADDITION, SECTION "A" to the City of Fort Wayne.

The lots are numbered (1) to (32), consecutively and inclusive, and dimensions in feet are noted on all lot lines, streets and easements.

The undersigned owner hereby further determines and provides that the lots of this plat shall be subject to certain protective covenants, limiting and restricting the uses thereof, as follows:

All persons, including corporations, who now own or shall hereafter acquire any land in Section "A" of said Lakehurst Addition Allen County, Indiana, shall be taken and held to agree and covenant with the owner of the land described on this plat and with the owners, successors and assigns to conform to and observe the following restrictions and stipulations as to the use thereof and construction of the improvements thereon for a period of twenty-five (25) years from August 31, 1953, to-wit:

1. No part of this tract shall be used for any commerce, business, manufacturing purposes, parking lots, dumping grounds for derelict machinery or any other dumping purposes, trailer camps, public or private, or for any other purpose other than residence purposes.

2. There shall be but one (1) dwelling house and private garage erected upon any single lot.

3. No residence shall be erected or placed upon any lot numbered (1) to (10) in this addition, which shall have a ground floor area of less than eleven hundred (1100) square feet for a one story house and a ground floor area of less than seven hundred twenty (720) square feet for a one and one-half story or two story house. No residence shall be erected or placed upon any lot numbered (11) to (32) in this addition, which shall have a ground floor area of less than one thousand (1000) square feet for a one story house and a ground floor area of less than six hundred eighty (680) square feet for a one and one-half story or two story house.

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If a garage is erected it shall be of the same materials as the house or of some good quality of recognized building material.

4. No building shall be erected upon any lot in this addition until the plans and specifications therefor with estimated costs for the building thereof shall have been submitted to the planner or his representative for approval.

5. There shall be no outside toilets erected upon these premises.

6. No cattle, livestock or poultry shall be kept on these premises.

7. No temporary dwellings of any kind shall be erected on these premises.

8. The front building lines shall be established as shown on the plat; the side lot line building line shall be at least five (5) feet from the boundary line of the lot.

9. No garage shall be erected nearer the front lot line than the rear line of the dwelling house unless it is directly connected with the dwelling house.

10. Easements for utility purposes are created as shown on the plat and shall be fourteen (14) feet in width.

11. The streets established in this plat shall be of the widths as indicated thereon and they are hereby dedicated to the public for means of egress and ingress from and to the lots in this addition.

12. Until such time as there is a sewage system installed which will connect with the sewage system of the City of Fort Wayne there will be installed for each dwelling erected in this addition a sanitary sewage system which shall comply with the Sanitary Regulations of the State of Indiana. Such installation of a sewage disposal system must be approved by the State Board of Health of the State of Indiana or the Allen County Health Officer or his deputy.

13. Until such time as there is provided a public water supply, water will be provided by driven wells, in accordance with the Sanitary Regulations of the State Board of Health of the State of Indiana.

14. The provisions herein contained shall bind and insure to the benefit of and be enforceable by the owner and plattee, or owners of any lot in said addition, their legal heirs, successors or assigns. The conditions, limitations and restrictions herein set forth shall be considered a part of any contract, lease, deed or instrument relating to any lot in Lakehurst Addition, without being incorporated therein and the acceptance of any contract, lease, deed or instrument relating thereto shall operate as a covenant to use the premises in conformity with the conditions, limitations and restrictions herein set forth. These conditions, limitations and restrictions shall run with the land. The owner

and platton, his heirs and assigns reserve the right to enforce the restrictions herein set forth in the plat of this addition by injunction or other legal remedy and to recover any damages he may sustain by reason of the violation of such restrictions.

In Witness Whereof, I place my hand this 31st day of August, 1953.

Jacob Schrock

by Paul E. Congdon, Attorney

County of Allen }
State of Indiana } SS:

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Before me a Notary Public in and for said county and state, on this 31st day of August, 1953, appeared in person the aforementioned Paul E. Congdon, Attorney for Jacob Schrock, and acknowledged the foregoing platting and covenants to be the voluntary acts and deeds of said Jacob Schrock, owner of the land hereinbefore described.

Mary L. Tumbleson,

(Notary Seal)

Notary Public

Recorded March 17, 1954.

Plat Record 20, page 132.

LAKEHURST SUBDIVISION LOT OWNERS

1.	Siemen & Ruth A. VanAsperen	4911 Lake Av. Ft. Wayne, IN 46815
2.	Midamerica Foundation Supply, Inc.	P.O. Box 5198 Ft. Wayne, IN 46895
3.	Majid F. Zojaji	5009 Lake Av. Ft. Wayne, IN 46815
4.	George E. Simpson	5031 Lake Av. Ft. Wayne, IN 46815
5.	Tony H. & D. Renee Hicks	5008 Vermont La. Ft. Wayne, IN 46815
6.	Schrock Construction, Inc.	2520 Carlton Ct. Ft. Wayne, IN 46802
7.	Paul & Lind Gebert	5235 Lake Av. Ft. Wayne, IN 46815
8.	John V. Tippmann C/o Paul Eisaman	5220 Vermont La. Ft. Wayne, IN 46815
9.	David S. Lybarger	9732 Moeller Rd. New Haven, IN 46774
10.	James & Julia M. DeCriscio	5132 Vermont La. Ft. Wayne, IN 46815
11.	Timothy J. & Dustin D. Current C/o Banc One	450 E Washington St# 394 Indianapolis, IN 46204
12.	Jack L. & Jeannette A. Baumert	5116 Vermont La. Ft. Wayne, IN 46815
13.	Edward A. & Carole A. Peates <i>Bates</i>	5108 Vermont La. Ft. Wayne, IN 46815
14.	Richard Crawford Buseh <i>Bush</i>	927 Calverton Ct. Ft. Wayne, IN 46825
15.	Karl A. II & Diane F. Reuther	1321 Deveron Dr. New Haven, IN 46774
16.	Phillip P. Coleman	5129 Vermont La. Ft. Wayne, IN 46815
17.	Cedar Creek Development, Inc.	4911 Industrial Rd. Ft. Wayne, IN 46825
18.	Martin M. & Deborah S. Burgers	7408 Tipperary Tr. Ft. Wayne, IN 46815
19.	Emory D. & Linda M. Jeffers	5223 Vermont La. Ft. Wayne, IN 46815
20.	Michael D. Findley	8207 Rockbrook Ct. Ft. Wayne, IN 46825
21.	Charles Sr. & Carol Ann Speith	5024 Vermont La. Ft. Wayne, IN 46815
22.	Cassandre L. Fox	4934 Vermont La. Ft. Wayne, IN 46815
23.	Clayton C. Reynard	418 Lincoln Hwy W. New Haven, IN 46774
24.	Ronald L. Rumbaugh	4229 Philip Way Ft. Wayne, IN 46815
25.	Brend Rae Graham & Christina Mae Corell	4912 Vermont La. Ft. Wayne, IN 46815
26.	Connie S. Taylor	7021 Peartree La. Ft. Wayne, IN 46825
27.	S&S Real Estate	6657 Quail Ridge La. Ft. Wayne, IN 46804
28.	Sherri M. Veerkamp	5015-17 Vermont La. Ft. Wayne, IN 46815
29.	Jane M. Dillman	5023 Vermont La. Ft. Wayne, IN 46815
30.	Faez Khayyata (Gennaro & Rosa Barile)	5025 Vermont La. Ft. Wayne, IN 46815

RESOLUTION 80-181-18

WHEREAS, CEDAR CREEK DEVELOPMENT INC, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated part of a platted lot and any restrictive covenants situated in Fort Wayne, Allen County, to-wit:

The East 50 feet of the West 63 feet of Lot No. 22 in Lakehurst Addition, Sec. "A", and any restrictive covenants for part to be vacated.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated part of a platted lot and any restrictive covenants has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated part of a platted lot and any restrictive covenants hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated part of a platted lot and any restrictive covenants hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated part of a platted lot and any restrictive covenants or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held JUNE 23, 1993 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 23 DAY OF June 1993

~~FORT WAYNE BOARD OF PUBLIC WORKS~~

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Member, Board of Public Works

C. James Owen
Member, Board of Public Works

RESOLUTION

WHEREAS, CEDAR CREEK DEVELOPMENT INC, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated part of a platted lot and any restrictive covenants situated in Fort Wayne, Allen County, to-wit:

The East 50 feet of the West 63 feet of Lot No. 22 in Lakehurst Addition, Sec. "A", and any restrictive covenants for part to be vacated.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated part of a platted lot and any restrictive covenants has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

WHEREAS, said public hearing was held on May 17, 1993 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated part of a platted lot and any restrictive covenants.

WHEREAS, said vacation of dedicated part of a platted lot and any restrictive covenants has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated part of a platted lot and any restrictive covenants hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated part of a platted lot and any restrictive covenants hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated part of a platted lot and any restrictive covenants or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

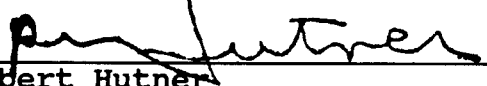
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated part of a platted lot and any restrictive covenants or part in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, May 24, 1993 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 22nd DAY OF June 1993

FORT WAYNE CITY PLAN COMMISSION



Robert Hutner
Secretary

BILL NO. G-93-05-14

REPORT OF THE COMMITTEE ON
REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) for the purpose of
vacating a part of a platted lot and any restrictive covenants
for part to be vacated

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Rebecca Ravine
David Long
David Long

[Signature]

DATED: 7-27-93

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

July 1, 1993

James Federhoff, Attorney
200 E Main Street
800 Standard Federal Plaza
Fort Wayne, IN 46802

NOTICE OF PUBLIC HEARING ON BILL NO. G-93-05-14 (AS AMENDED)

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, July 27, 1993, at 5:30 P.M., in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana on the following:

Part of Lot22 in Lakehurst Addition Sec "A"
Access to a new subdivision

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council


Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

July 2, 1993

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of
July 7, 1993, in both the News Sentinel and Journal
Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-93-05-14
Lot Vacation Ordinance

Please send us 3 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

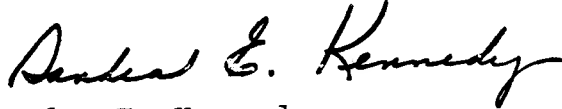
NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-93-05-14
(as amended)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, July 27, 1993, at 5:30 P.M., in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The East 50 feet of the West 63 feet of Lot No. 22 in Lakehurst Addition, Sec. "A", and any restrictive covenants for part to be vacated.
Councilmanic District #1

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

A handwritten signature in black ink, appearing to read "Sandra E. Kennedy", written in a cursive style.

Sandra E. Kennedy
City Clerk

From the Desk of:

Pat Biancaniello

AGENT:

James Federhoff
200 E Main St
800 Standard Federal Plaza
City 02

422-0800

FW Common Council
(Governmental Unit)To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

21 lines, 1 columns wide equals 21 equivalent lines
at .33 cents per line

\$ 6.93

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 7.93

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: July 7, 19 93

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

7/7/93

Subscribed and sworn to before me this 7th day of July, 19 93.

Notary Public

My commission expires:

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-93-05-14
(as amended)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, July 27, 1993, at 5:30 P.M., in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The East 50 feet of the West 63 feet of Lot No. 22 in Lakehurst Addition, Sec. A, and any restrictive covenants for part to be vacated. Councilmanic District #1
All interested parties are invited to appear and be heard.FORT WAYNE COMMON COUNCIL
Sandra E. Kennedy
City Clerk
#487

